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## BEFORE THE ARIZONA CORPORATION CC

Arizona Corporation Commission

COMMISSIONERS**DOCKETED**

MAR 17 2010

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

DOCKETED BY

NR

IN THE MATTER OF THE APPLICATION  
OF WATER UTILITY OF GREATER  
TONOPAH, INC., FOR AN EXTENSION OF  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-02450A-06-0253

DECISION NO. 71516

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NO. 70037**

Open Meeting  
March 2 and 3, 2010  
Phoenix, Arizona

**BY THE COMMISSION:**

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On April 14, 2006, Water Utility of Greater Tonopah, Inc. ("WUGT"), filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("CC&N") to include a portion of a development known as Balterra, in Maricopa County, Arizona.

2. On December 6, 2007, the Commission issued Decision No. 70037, approving WUGT's application to extend its CC&N to include a 3/4 section of land in Balterra. The extension area is located in the vicinity of 395<sup>th</sup> Avenue and Camelback road in Maricopa County. The Decision required WUGT, among other things, to:

- a. File with Docket Control, as a compliance item, within two years of the effective date of the Decision, copies of the Certificates of Approval of Construction ("AOC") issued by the Maricopa County of Environmental Services Department ("MCESD") or Arizona Department of Environmental

1 Quality ("ADEQ") for its water source, treatment plant, storage tanks, and  
2 water distribution system for the proposed water system.

3 b. File with Docket Control, as a compliance item in this docket, within two years  
4 of the effective date of the Decision, a copy of its Discharge Authorization  
5 Letter issued by ADEQ for the proposed treatment plant.

6 c. File with Docket Control, as a compliance item in this docket, by December  
7 31, 2009, a copy of the Designation of Assured Water Supply ("DAWS") or a  
8 copy of the Developer's Certificate of Assured Water Supply ("CAWS")  
9 issued by the Arizona Department of Water Resources ("ADWR") for the  
10 extension area.

11 Based on the compliance deadlines in Decision No. 70037, the original date for compliance  
12 was December 4, 2009, for both the AOCs and Discharge Authorization Letter, and WUGT was to  
13 file a DAWS or CAWS by December 31, 2009.

14 3. On December 4, 2009, WUGT filed a Motion ("Motion") for an extension of time,  
15 until December 4, 2013, to file the AOC for its water source, treatment plant, storage tanks, water  
16 distribution system, and the ADEQ Discharge Authorization Letter related to the water treatment  
17 plant. The Motion states that due to the economic downturn in the Arizona housing market, WUGT  
18 has delayed filing for an AOC. The Motion further states WUGT is currently faced with building a  
19 water system before it is needed in order to comply with the Decision or request an extension of time.  
20 According to WUGT, at this time construction of the water system is premature. In support of the  
21 request for an extension of time, WUGT states that it has met several of the compliance items in the  
22 Decision including participating in the Lower Hassayampa Sub-Basin study to obtain a DAWS;  
23 meeting the arsenic treatment requirements; and securing a franchise agreement from Maricopa  
24 County for the extension area. Further, WUGT states its parent company, Global Water Resources,  
25 has expended considerable resources in the extension area.

26 4. Subsequently on December 31, 2009, WUGT filed a Second Motion for extension of  
27 time to comply with Decision No. 70037. The Second Motion requests an extension of time until  
28 December 31, 2012, to file the DAWS or CAWS from ADEQ for the extension area. In the Second  
Motion, WUGT states that although WUGT has filed an application with ADEQ to obtain the  
DAWS, due to the complexities of the Lower Hassayampa Sub-Basin region, extensive analysis is  
needed to maximize water reuse, recycling, and recharge in the area.

1           5.     On January 8, 2010, the Commission's Utilities Division ("Staff") filed a  
2 Memorandum responding to WUGT's two requests for an extension of time to comply with Decision  
3 No. 70037. Staff expressed an on-going concern over the effect the downturn in the housing market  
4 and the Arizona economy has had on development. However, based on WUGT's compliance with the  
5 Decision by obtaining a franchise for the extension area, meeting the arsenic treatment requirements,  
6 and WUGT's participation in ADWR's study of the Lower Hassayampa Sub-Basin, Staff  
7 recommends granting WUGT the extensions of time requested.

8           6.     Staff's recommendation to grant WUGT an extension of time until December 4, 2013,  
9 to obtain the AOCs and Discharge Authorization Letter, and until December 31, 2012, to file the  
10 DAWS or CAWS for the extension area, is reasonable and should be adopted.

#### 11                               CONCLUSIONS OF LAW

12           1.     Water Utility of Greater Tonopah, Inc., is a public service corporation with the  
13 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282 and 40-285.

14           2.     The Commission has jurisdiction over Water Utility of Greater Tonopah, Inc., and the  
15 subject matter of the application.

16           3.     Water Utility of Greater Tonopah, Inc.'s request for an extension of time to comply  
17 with Decision No. 70037 is in the public interest.

18           4.     Staff's recommendation that Water Utility of Greater Tonopah, Inc. receive an  
19 extension of time to comply with Decision No. 70037 is reasonable and should be adopted.

#### 20                               ORDER

21           IT IS THEREFORE ORDERED that Water Utility of Greater Tonopah, Inc.'s request for an  
22 extension of time to comply with Decision No. 70037, until December 31, 2012, to file a copy of the  
23 Designation of Assured Water Supply or a copy of the Developer's Certificate of Assured Water  
24 Supply issued by the Arizona Department of Water Resources for the extension area, is hereby  
25 granted.  
26

27     ...

28     ...

1 IT IS FURTHER ORDERED that Water Utility of Greater Tonopah, Inc.'s request for an  
 2 extension of time to comply with Decision No. 70037, until December 4, 2013, to file copies of the  
 3 Certificates of Approval of Construction for its water source, treatment plant, storage tanks, and  
 4 water distribution system, and a copy of the Discharge Authorization Letter related to its proposed  
 5 water treatment plant, is hereby granted.

6 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

8   
 9 CHAIRMAN


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 11 COMMISSIONER

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 13 COMMISSIONER

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 15 COMMISSIONER

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 17 COMMISSIONER

18 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
 19 Executive Director of the Arizona Corporation Commission,  
 20 have hereunto set my hand and caused the official seal of the  
 21 Commission to be affixed at the Capitol, in the City of Phoenix,  
 22 this 17<sup>th</sup> day of May, 2010.

23   
 24 ERNEST G. JOHNSON  
 25 EXECUTIVE DIRECTOR

26 DISSENT \_\_\_\_\_

27 DISSENT \_\_\_\_\_

28 YBK: db

1 SERVICE LIST FOR:

WATER UTILITY OF GREATER TONOPAH, INC.

2 DOCKET NO.:

W-02450A-06-0253

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